REMARKS

Claims 1-8, 12-15, 17-53, and 55-67 are pending and stand rejected. Applicants thank the Examiner for examination of the claims pending in this application and address his comments below.

Applicants are amending claims 1, 13, 14, 18-26, 33, 34-53, 55-64, and 66 in this Amendment and Response. No claims are added or canceled. These changes do not introduce new matter, and their entry is respectfully requested. In making these amendments, Applicants do not concede that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seek to pursue protection for the subject matter presented in this submission.

In view of the Amendments herein and the Remarks that follow, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

Response to Objection to the Specification

Applicants thank the Examiner for his suggested amendment to the specification on pages 3 and 4 of the Office Action and have amended the specification accordingly. Thus, the objection has been obviated.

Response to Claim Objections

The Examiner objects to claims 34-44, 46-53, and 55-64 as lacking antecedent basis. Applicants have accordingly amended the phrase "computer-readable medium" to read "computer-readable storage medium" in each of the specified claims. Thus, the objection has been obviated.

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Response to Rejections under 35 U.S.C. §§ 103(a)

Claims 13-15, 17-32, 45-53, and 55-64 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Gruen, U.S. Patent Application No. 2005/0057584, in view of Bengel ("Archiving and Indexing Chat Utterances"). Claim 66 stands rejected under § 103(a) as allegedly being unpatentable over Gruen in view of Bengel and Shtivelman, U.S. Patent No. 6,346,952. Claim 67 stands rejected under § 103(a) as allegedly being unpatentable over Gruen in view of Bengel and Daniell, U.S. Patent Application No. 2004/0054737. Claims 1-8, 12, 33-44, and 65 stand rejected under § 103(a) as allegedly being unpatentable over Gruen in view of Daniell and Newton. These rejections are traversed together.

Independent claim 1 has been amended to recite, in part:

> ...
> determining a **length of time of inactivity** of a user after which to compile an instant messenger event associated with a user, **the determined length of time being specific to an identity of the user**;
> **responsive at least in part to expiration of the determined length of time of inactivity, capturing** an instant messenger event associated with the user by compiling event data associated with at least one instant messenger message;
> ...

Thus, the claimed invention recites determining a length of time of inactivity of a user, where the determined length of time is specific to an identity of the user. Then, responsive at least in part to expiration of the determined length of time of inactivity, an instant messenger event associated with the user is captured.

The cited references do not disclose such limitations. Gruen discloses a calendar bar utility with a special user interface, as well as creating a conversation thread tree for email messages. (Gruen Abstract, paragraph 0048). Daniell discloses systems and method for integrating instant messaging (IM) services and email services. (Daniell Abstract). Newton

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discloses a proxy server connected to a local network that directs an instant message originating from the local network to its destination, bypassing a remote network and IM server, if the destination is on the local network. (Newton Abstract).

The Examiner properly notes that Gruen fails to disclose a number of claimed limitations, including that a period of inactivity is based at least in part on an identity of a user. Nor does the Examiner assert that Daniell discloses that the length of time of inactivity is specific to an identity of a user, instead citing Daniell only for compilation of event data related to sessions. Thus, the Examiner relies on Newton for this feature, and specifically cites Newton's paragraphs 104 and 105. (Office Action, page 15). But Newton does not disclose this feature. Instead, cited paragraph 104 merely discloses that an IM messaging session may be defined as starting and ending based on given events (e.g., an IM window opening and closing, respectively), or based on the lapse of some period of inactivity (e.g., 5 minutes). Cited paragraph 105 discloses that messages can be collected into sessions based on the parties to the messages and the time that the message was made, with messages being added to an existing session when they arrive, and a session being closed after a period of inactivity. However, this portion does not disclose or suggest "determining **a length of time** of inactivity of a user… **the determined length of time being specific to an identity of the user**"; rather, the length of time of inactivity is fixed in Newton for all users, instead of being specific to an identity of a user. At best, this portion merely discloses using the fixed time to determine whether a session has ended due to inactivity.

Additionally, the references fail to disclose or suggest **capturing** an instant messenger event "**responsive at least in part to expiration** of the determined length of time of inactivity." The Examiner properly notes that Gruen fails to disclose that an instant messaging event is compiled after determining a period of inactivity. The Examiner cites Daniell paragraphs 0116

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to 0119 as showing compiling instant message event data based on sessions. These paragraphs merely disclose that an IM chat session can be established and a corresponding chat session generated for it (paragraph 0119), and that email messages and IM chat sessions are linked together with pointers at the time that a new email message is sent or a chat session is launched, thereby forming a thread that encompasses them (paragraph 0117). However, these linking actions, even assuming *arguendo* that they are equivalent to the claimed compiling of an instant messenger event, are not performed **responsive at least in part to expiration of the determined length of time** or even at the end of the session, but rather are performed as soon as a message is sent or a chat session launched. The Examiner cites Newton paragraphs 104 and 105, which generally show that IM sessions are defined based on when an IM window is closed or a threshold period of inactivity is reached, but again, this does not even disclose taking actions responsive at least in part to the end of the session, much less responsive at least in part to the claimed length of time that is based at least in part on an identity of the user. For example, "additional messages between the same parties are added to the session as they arrive," rather than at the end of a session or after expiration of a determined length of time. (Newton paragraph 0105). Indeed, none of the references discloses waiting to perform its respective actions until the expiration of the claimed length of time or even until the end of a session, and thus the combination of Gruen, Daniell, and Newton would at best suggest capturing IM events **immediately** **during** a session and noting when the session ends based on a lack of communications, but would not show capturing responsive at least in part to **expiration** of the claimed length of time that is determined based at least in part on an identity of the user.

Independent claim 33 recites "determining a length of time of inactivity of a user after which to compile an instant messenger event associated with the user, the determined length of

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time being specific to an identity of the user" and "responsive at least in part to expiration of the determined length of time, an instant messenger event associated with the user by compiling event data associated with at least one instant messenger message" and is therefore allowable for at least the same reasons discussed above with respect to independent claim 1.

Independent claim 65 recites "responsive at least in part to expiration of the determined period of inactivity, compiling an instant messenger event from at least some of the event data" and is thus patentable for at least the same reasons discussed above with respect to independent claim 1, e.g. that the combination of the references does not even disclose taking actions **responsive at least in part to the expiration** of a period of inactivity, such as a period of inactivity that marks the end of a session.

Claims 13 and 45 have been amended to depend from independent claims 1 and 33, respectively. Thus, the remaining claims all depend, directly or indirectly, from one of independent claims 1, 33, or 65, and recite additional patentably distinguishable features and limitations. Thus, they are patentable for at least the same reasons discussed above with reference to their respective independent claims.

In particular, dependent claim 67 recites "identifying an instant messenger event at least in part by hooking into the instant messenger application's notification application program interface." The Examiner cites Daniell Figure 7, elements 308, 614, and 310, which depict an IM user interface, a chat window, and a roster window, respectively. Daniell paragraph 0081, explaining Figure 7, states that that the address book object and database and the tray manager provide an interface between the email and IM components, and that integration of email and IM may be achieved by having a central address book database that is accessible to the various IM and email components. However, this fails to disclose **identifying an instant messenger event**

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at least in part by **hooking into** the instant messenger application's **notification application program interface**. Rather, it merely shows that a globally available address book can be used to integrate email and instant messaging, but use of an address book is not the same as hooking into an application programming interface (API).

Therefore, Applicants respectfully request that the current rejections be withdrawn. The Examiner is invited to contact the undersigned by telephone to advance the prosecution of this application.

Respectfully submitted,
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